

REFERENDUM (CONSTITUTION ALTERATION).

No. 20 of 1909.

An Act to amend the *Referendum (Constitution
Alteration) Act 1906.*

[Assented to 13th December, 1909.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1.—(1.) This Act may be cited as the *Referendum (Constitution Alteration) Act 1909.* Short title and citation.

(2.) The *Referendum (Constitution Alteration) Act 1906* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Referendum (Constitution Alteration) Act 1906-1909.*

2. Section two of the Principal Act is amended by adding thereto the following words :—“ Part VIII.—Miscellaneous.” Parts.

3. Section four of the Principal Act is amended—

- (a) by omitting the words “ Commonwealth Electoral Acts 1902-1905 ” and inserting in lieu thereof the words “ *Commonwealth Electoral Act 1902-1909* ” ;
 - (b) by omitting the word “ Acts ” wherever it occurs and inserting in lieu thereof the word “ Act ” ;
 - (c) by omitting from paragraph (a) of sub-section (3) thereof the words “ Form A in the Schedule to this Act ” and inserting in lieu thereof the words “ form prescribed by the regulations ” ;
 - (d) by omitting from paragraph (b) of sub-section (3) thereof the words “ Form B in the Schedule to this Act ” and inserting in lieu thereof the words “ form prescribed by the regulations ” ;
 - (e) by omitting from paragraph (c) of sub-section (3) thereof the words “ Form A in the Schedule to ” and inserting in lieu thereof the words “ the prescribed form of postal ballot-paper under ” ; and
 - (f) by omitting from paragraph (d) of sub-section (4) the words “ Form D in the Schedule to ” and inserting in lieu thereof the words “ the form prescribed by the regulations under ”.
- Amendment of s. 4 of Principal Act.

Amendment of
s. 12 of Principal
Act.

4. Section twelve of the Principal Act is amended by omitting the words "Commonwealth Electoral Acts 1902-1905" and inserting in lieu thereof the words "laws of the Commonwealth for the time being in force relating to Parliamentary elections".

5. Section fifteen of the Principal Act is repealed and the following sections substituted in lieu thereof:—

Arrangements
where
referendum and
election are held
on the same day.

"15. Where the day fixed for the taking of the votes of the electors for the purposes of a referendum is the same as that fixed for the polling at an election for the Senate or a general election for the House of Representatives—

- (a) an application for a postal ballot-paper for the purposes of the election shall be deemed to include an application for a postal ballot-paper for the purposes of the referendum ;
- (b) a postal vote certificate issued to an elector for the purposes of the election shall be deemed to have effect as a postal vote certificate for the purposes of the referendum ; and
- (c) a postal ballot-paper containing the vote of an elector at the referendum may be enclosed in the same envelope as that in which the postal ballot-paper containing the vote of the elector at the election is enclosed.

Answers and
declarations for
elections to be
accepted for
referendum.

"15A.—(1.) Where—

- (a) the day fixed for the taking of the votes of the electors for the purposes of a referendum is the same as that fixed for the polling at an election for the Senate or a general election for the House of Representatives, and
- (b) an elector has at any polling place answered any question or made any declaration to enable him to vote at the election and his answer or declaration has been accepted as sufficient,

the answer or declaration may be accepted as sufficient to enable the elector to vote at the same polling place at the referendum, and, where a declaration is so accepted, no declaration need be made or signed for the purposes of the referendum."

Authentication
of ballot-papers.

6. Section twenty-one of the Principal Act is amended by omitting the words "it is not initialed by the presiding officer ; or", and inserting in lieu thereof the words "it is not authenticated by the initials of the presiding officer (or, in the case of a postal ballot-paper, of the Returning Officer), or by an official mark as prescribed ; or".

7. Section twenty-three of the Principal Act is amended by adding thereto the following sub-section:—

Powers of
officer
conducting
recount.

"(2.) The officer conducting the recount shall have the same powers as if the recount were the scrutiny, and may reverse any decision in relation to the scrutiny as to the allowance or admission or disallowance or rejection of any ballot-paper."

8. After Part VII. of the Principal Act the following Part and sections are inserted :—

“PART VIII.—MISCELLANEOUS.

“35.—(1.) All referendum papers provided for by this Act or the regulations may, subject to the postal regulations, be transmitted through the post free of charge. Referendum papers to be sent free by post.

“(2.) All referendum papers posted for transmission by post and properly addressed shall, in the absence of proof to the contrary, be deemed to have been duly received by the addressees thereof on the days when in the ordinary course of post they should have been so received.

“36.—(1.) Forms A, B, and D in the Schedule are repealed. Forms.

“(2.) Form C in the Schedule may from time to time be altered by the regulations.

“(3.) If Form C in the Schedule is altered by the regulations, any reference in this Act to that form shall be deemed to be a reference to that form as so altered.”
